

# EXHIBIT 8

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

Leila Green Little, *et al.*,  
Plaintiffs,  
v.  
Llano County, *et al.*,  
Defendants.

Case No. 1:22-CV-00424-RP

**DEFENDANTS' RESPONSE TO PLAINTIFFS' INTERROGATORIES TO DEFENDANT  
LLANO COUNTY SET TWO**

TO: **Plaintiffs**, Leila Green Little, et al., by and through their attorneys of record, Ellen Leonida, BraunHagey & Borden, LLP, 351 California Street, 10th Floor, San Francisco, CA 94104, and Ryan A. Botkin, Wittliff | Cutter PLLC, 1209 Nueces Street, Austin, Texas 78701;  
**Defendants**, Llano County, et al., by and through their attorneys of record, Jonathan Mitchell, 111 Congress Ave. Suite 400, Austin, Texas, 78701, Dwain K. Rogers, Llano County Attorney, Matthew L. Rienstra, First Assistant County Attorney, 801 Ford Street, Llano, Texas 78643,

**COMES NOW** Defendant Llano County in the above entitled and numbered cause and serves its objections and answers to Plaintiff's Second Set of Interrogatories.

Respectfully submitted,

By: 

**Jonathan F. Mitchell**

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**Dwain K. Rogers**

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Llano County's Objections, Answers, and Responses to Plaintiffs' Second Set of Interrogatories was served by Dropbox and/or electronic mail on October 14, 2022, to the following:



**Jonathan Mitchell/Dwain Rogers/Matthew L. Rienstra**

## **INTERROGATORIES**

### **INTERROGATORY NO. 2**

State all bases for decreasing the LIBRARY SYSTEM's budget.

#### **OBJECTION:**

The interrogatory is overbroad and vague as to its use of the words/phrase "all bases." The word "all" can be construed as "total," "whole sum," "whole number," or "whole quantity." The word "bases" can be construed as "foundations" or "underlying principle." When taken together and applied to the budget process it is next to impossible to provide an answer that fully and completely provides a cogent response. Further, Objection is made as this Interrogatory is not relevant to any issue before the court, as Plaintiffs have sued for violation of their first amendment rights. Subject to the objections, Defendant County answers as follows:

#### **RESPONSE:**

The Llano County Library System's budget includes the Library System Services and Staff. There was NO reduction in any of the three libraries in areas such as Operating Supplies, Maintenance, Conferences, and book purchases. In fact, Llano County has increased (not decreased) the amount of money budgeted for the purchase of books by \$1,000 at each of the three locations.

The 2022–2023 Library budget reflects the reduction in force which started in the beginning of 2021 with the input and collaboration of the Director of the Library System. Of the approved 2022–2023 budgeted amount of \$448,501, the amount pertaining to employee pay, benefits and withholdings is \$393,000.

With the reduction of staff positions, there is also a direct correlation with the reduction of salaries, longevity, health insurance, and federal withholdings, which in some cases were higher than a current or new employee. Therefore, when reducing benefits and salaries due to the reduction in force, the overall budget for the library was decreased.

It should be noted that with the exception of the 2022 budget, the approved Library budget is in line with previous years' budgets. For further answer see Response to Interrogatory No. 3.

### **INTERROGATORY NO. 3**

State all bases for decreasing LIBRARY SYSTEM SERVICES and LIBRARY STAFF.

#### **OBJECTION:**

The interrogatory is overbroad and vague as to its use of the words/phrase "all bases." The word "all" can be construed as "total," "whole sum," "whole number," and "whole quantity." The word "bases" can be construed as "foundations" or "underlying principle." When taken together and applied to the budget process it is next to impossible to provide an answer that fully and completely provides a cogent response. Further, Objection is made as this Interrogatory is not

relevant to any issue before the court, as Plaintiffs have sued for violation of their first amendment rights. Subject to the objections, Defendant County answers as follows:

RESPONSE:

There was NO reduction in any of the three libraries in areas such as Operating Supplies, Maintenance, Conferences, and book purchases. In fact, Llano County has increased (not decreased) the amount of money budgeted for the purchase of books by \$1,000 at each of the three locations.

The 2022–2023 Library budget reflects the reduction in force which started in the beginning of 2021 with the input and collaboration of the Director of the Library System. Of the approved 2022–2023 budgeted amount of \$448,501, the amount pertaining to employee pay, benefits and withholdings is \$393,000.

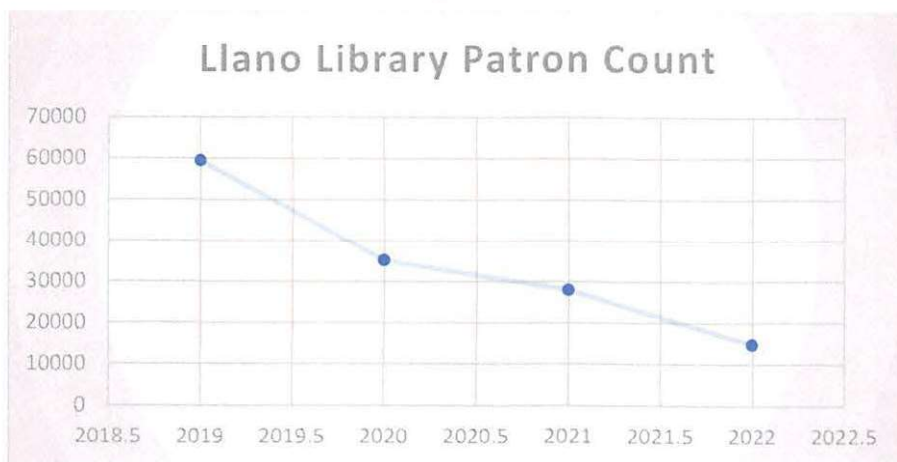
With the reduction of staff positions, there is also a direct correlation with the reduction of salaries, longevity, health insurance, and federal withholdings, which in some cases were higher than a current or new employee. Therefore, when reducing benefits and salaries due to the reduction in force, the overall budget for the library was decreased.

It should be noted that with the exception of the 2022 budget, the approved Library budget is in line with previous years budgets.

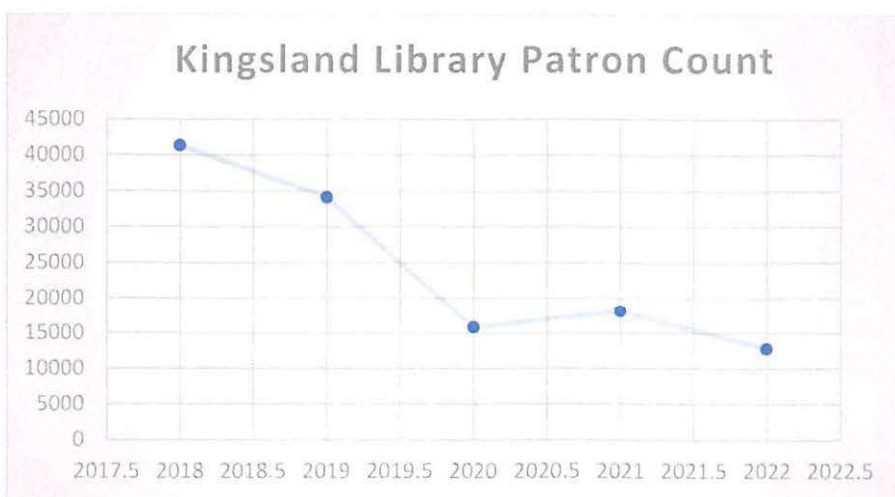
• 2019 Approved Budget	\$447,747
• 2020 Approved Budget	\$467,708
• 2021 Approved Budget	\$460,630
• 2022 Approved Budget	\$600,967
• 2023 Proposed	\$448,501

This reduction in force is justified and did not result in any employee being laid off, but rather was accomplished through attrition as previous employees left the Library system and were not replaced. For close to the past two years, the Director has conducted analysis of library patrons, book circulation, and programs that were being offered at each of the three libraries. In review of each of the library's patron counts, the number of library patrons was significantly higher in 2019, but the number of patrons significantly dropped in 2020. This is presumably a result of the COVID pandemic.

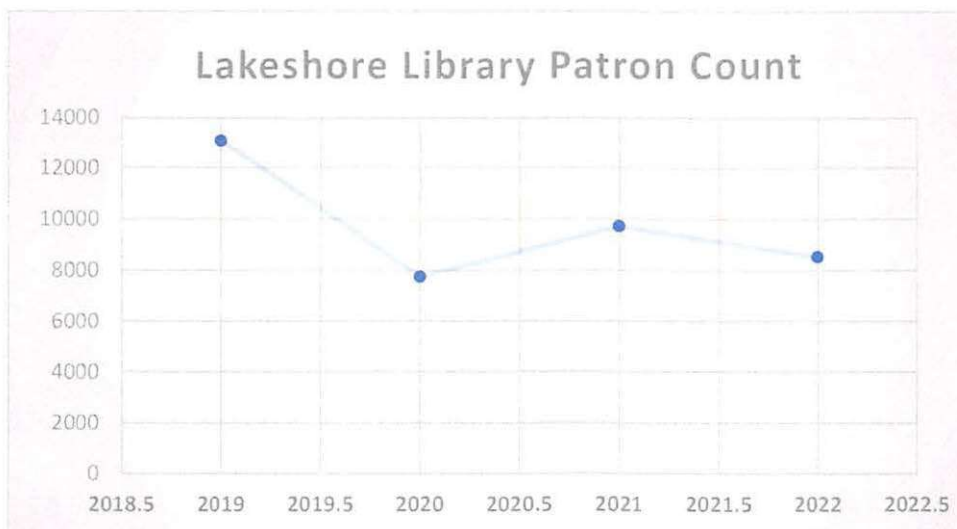
Following the Texas Governor's mandated closures of libraries, all three of our libraries reopened with previously approved staffing levels. Despite our libraries reopening, offering full programs and services, the number of patrons continued to drop to even lower numbers than what we had experienced prior to COVID. Please see figures #1, #2, and #3 for further verification.



**Figure 1**



**Figure 2**



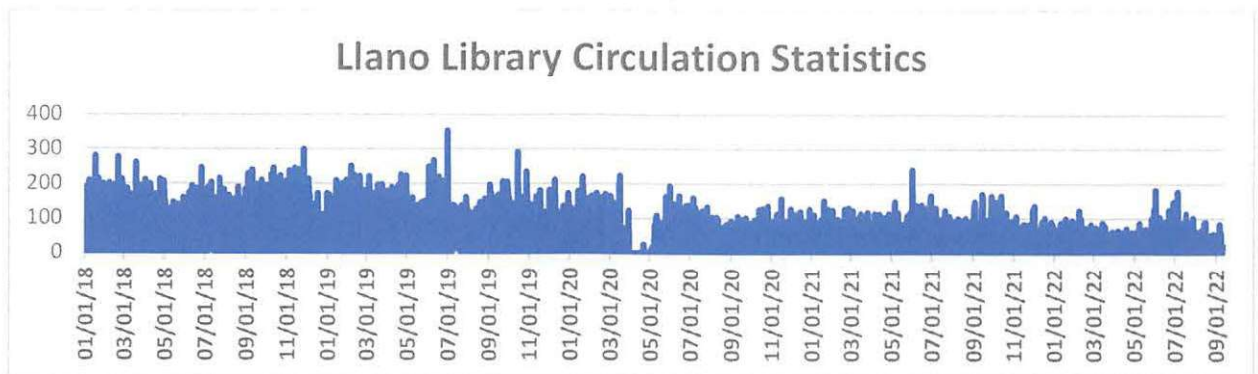
**Figure 3**

In addition to Ms. Milum's analysis of patrons entering the libraries, she has also provided historical data of book circulation in each of the libraries. Analysis of this data also demonstrates

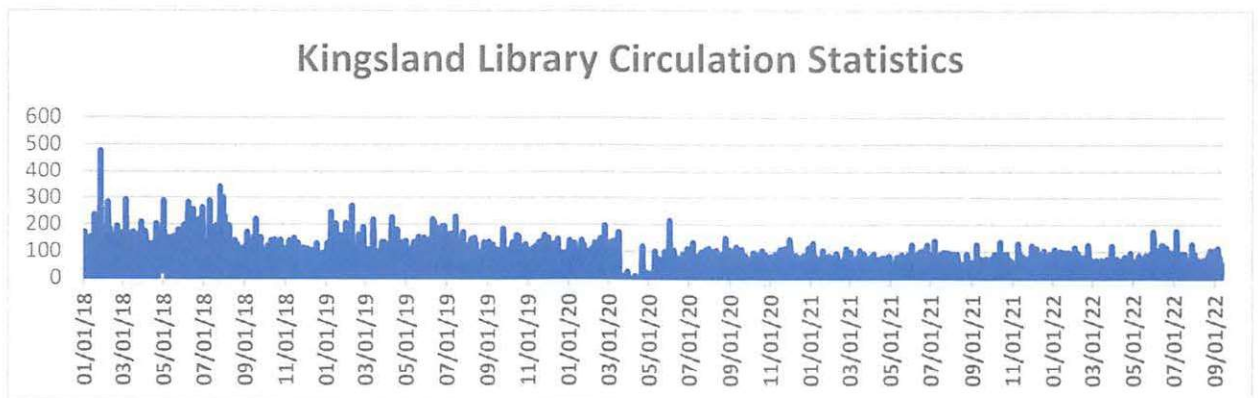


significantly fewer books being circulated through the libraries following the reopening of libraries after COVID closures.

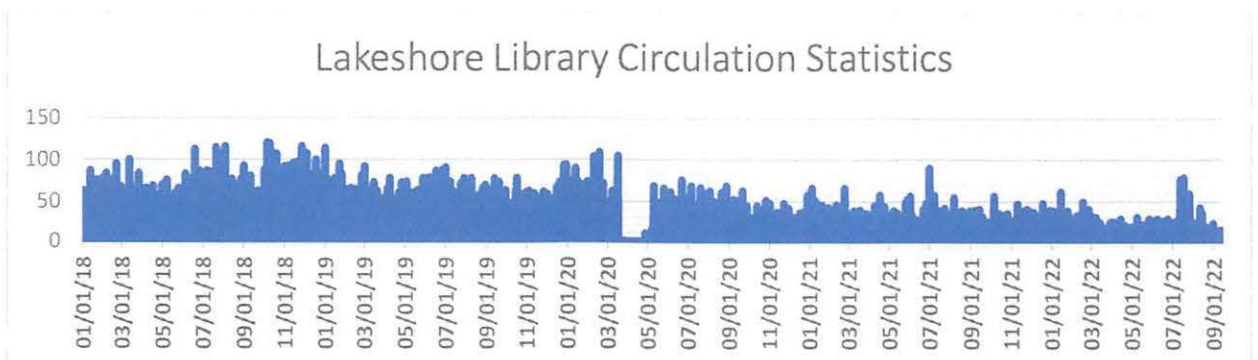
Figures #4, #5, and #6 illustrate the reduction in books being circulated through the libraries.



**Figure 4**



**Figure 5**



**Figure 6**

While the County's hopes were that these numbers would soon return to previous years, this has not been the case. Library patrons and book circulation have both been reduced since May 2020

and understandably, the number of staff is justifiably reduced. Ms. Milum has made the determination of the required staffing levels at all three locations.

Llano County Commissioners have a fiduciary responsibility to operate as efficiently as possible. This includes recruiting and retention of all departments in Llano County operations, not just the library. The decision to not fill the library positions is justified and enabled Llano County to increase all county employees' salaries by 7% and still not increase taxes beyond the 3.5% voter-approved rate.

The funds saved from the library further enabled the county to increase and reassign staffing in the Llano Sheriff's Office, Development Services, and Road and Bridge. Each foregoing department (Sheriff, Development and Road and Bridge) is a mandatory function of county government; the Library is a discretionary function.

#### **INTERROGATORY NO. 4**

State all bases for considering the proposed transfer of the Llano branch of the  
LIBRARY SYSTEM from the COUNTY to the CITY.

##### **OBJECTION:**

The interrogatory is overbroad and vague as to its use of the words/phrase "all bases." The word "all" can be construed as "total," "whole sum," "whole number," and "whole quantity." The word "bases" can be construed as "foundations" or "underlying principle." When taken together and applied to the real estate transactions that may involve the County it is next to impossible to provide an answer that fully and completely provides a cogent response. Further, Objection is made as this Interrogatory is not relevant to any issue before the court, as Plaintiffs have sued for violation of their first amendment rights. Subject to the objections, Defendant County answers as follows:

##### **RESPONSE:**

Approximately two years ago, the City of Llano approached Llano County with an offer to exchange the John L. Kuykendall Center in return for several county-owned properties. Since that time there has been an ongoing open dialogue between the parties regarding the possibility of a mutually beneficial exchange of properties.

While on September 6, 2022, the Llano City Council discussed adding the Llano Library Building as an additional property for consideration in the exchange, at no point has the Llano County Commissioners Court had any formal discussions regarding which specific county properties would be included if an exchange of properties for the Kuykendall Center were to occur. Llano County is not considering the Llano library as a property for exchange.

Llano County Commissioners Court and the Llano City Counsel work independently and neither governmental agency dictates or controls which topics are discussed in the other agency's meetings.



### **INTERROGATORY NO. 5**

IDENTIFY all books that have been moved from the children's section to the adult section.

#### **OBJECTION:**

The interrogatory is overbroad and vague as to its use of the word "all ." The word "all" can be construed as "total," "whole sum," "whole number," and "whole quantity." Further, there is no method available to the County to know with any certainty of the movement of books within the physical location of each library. Further, Objection is made as this Interrogatory is not relevant to any issue before the court, as Plaintiffs have sued for violation of their first amendment rights. Subject to the objections, Defendant County answers as follows:

#### **RESPONSE:**

The County does not recall moving any children's books to the adult sections. However, it is a common practice by the librarians for some books that are written for children to be relocated to the adult section in the hope that a parent will see the book, realize it is a good book for their child, and will check it out for the child. This is especially true for both fiction and non-fiction books that remain current and in good condition.

The County did add a YA+ section (Young Adult Plus — books suitable for 17- and 18-year-olds, *e.g.*, a more mature young person), which is facing the adult section at the Llano Library, but the items were not relocated to the adult section. The Kingsland and Lakeshore libraries still have their YA+ materials close to their YA section (Young Adult — books suitable for 6th grade through 10th grade), just on a different shelf.

### **INTERROGATORY NO. 6**

IDENTIFY all books that have been labeled due to content.

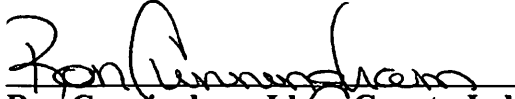
#### **OBJECTION:**

The interrogatory is overbroad and vague as to its use of the words "all ." The word "all" can be construed as "total," "whole sum," "whole number," and "whole quantity." Further, the word "content" as applied to books is overbroad in that "content" as defined by The New Lexicon Webster's Dictionary can mean a "summary of subjects contained within a book." Further, Objection is made as this Interrogatory is not relevant to any issue before the court, as Plaintiffs have sued for violation of their first amendment rights. Subject to the objections, County answers as follows:

#### **RESPONSE:**

All books in all three libraries have been labeled with genre labels (such as mystery, romance, Western, suspense, paranormal, historic fiction, etc.) and all DVDs have been labeled with rating stickers (G, PG, PG 13, R, JF, etc.). Genre labels were in use before 2013 at the Kingsland branch. Starting in 2013 genre labels were applied to books located at the Llano and Lakeshore branches. Labelling of DVDs began in approximately 2015.

SIGNED on this day of 14, October, 2022.

  
**Ron Cunningham, Llano County Judge**  
801 Ford Street, Room 101  
Llano, Texas 78643

On behalf of this Defendant, we have made the above Objections.

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